

# 1999 Legislative Summary for IDEM

## Table of Contents

*NOTE: Please note that several topics may affect more than one program. Those topics are listed only in the program that is most affected.*

	Page
A Guide to Using this Legislative Summary .....	iv
How to Use the Reference Information Provided in this Summary .....	v
<b>All Programs:</b> .....	1
IDEM Water, Solid Waste, and Hazardous Waste Annual Permit Fees (HEA 1919) .....	1
Permit Accountability Time Frames for Air, Waste, and Water (HEA 1919) .....	1
Inspections (SEA 495) .....	1
Environmental Audit Reports (HEA 1919) .....	2
Criminal Investigations and Proceedings (HEA 1919) .....	2
Waiver of Privilege (HEA 1919) .....	2
Use of Environmental Audit Reports in IDEM Compliance & Enforcement Activities (HEA 1919) ..	2
IDEM Rule Fiscal Analyses (HEA 1919) .....	3
IDEM Nonrule Policy Documents (SEA 397) .....	3
State Biennial Budget (HEA 1001) .....	3
IDEM (HEA 1001) .....	3
Supplemental Drinking Water and Wastewater Assistance Fund (HEA 1001) .....	3
Wastewater Revolving Loan Fund and the Drinking Water Revolving Loan Fund (HEA 1001) .....	4
IDEM Dedicated Funds (HEA 1578) .....	4
Technical Corrections (SEA 40) .....	4
Public Access Counselor and Complaint Procedure (SEA 1 and HEA 1002) .....	4
Internet Notice of State Meetings and Bid Lists (SEA 204) .....	5
Notices (SEA 204) .....	5
Bids (SEA 204) .....	5
Recycled Materials Purchasing Preference (SEA 429) .....	5
Licensure of Professional Geologists (SEA 533) .....	6
Indiana Land Resources Council (SEA 662) .....	6

<b>Air Program:</b>	7
Air Permits (HEA 1919)	7
Title V Permit Appeals (HEA 1919)	7
Styrene Sources (HEA 1919)	7
Air Emissions Reduction Credit Program (HEA 1561)	7
Lead-Based Paint Activity Fees (HEA 1725)	8
Motor Vehicle Inspection Stations (HEA 2021)	8
State Implementation Plan (SIP) Call Rule (HR 29)	9
Ground Level Ozone Formation (HR 110)	9
Steel Imports (HR 1 and SCR 19)	10
Alternative Fuels and Alternative Fueled Vehicles (HCR 115)	10
Northwest Indiana Transportation Study Commission (SEA 272)	11
Lake County Regional Transportation Authority (HEA 1318)	11
 <b>Environmental Response Program:</b>	12
Underground Storage Tank Grant Program (SEA 66)	12
Underground Storage Tank Civil Penalties (SEA 66 and HEA 1909)	12
Underground Petroleum Storage Tank Fee (HEA 1578)	12
Underground Storage Tank Corrective Action Liability for Operators (HEA 1578)	13
Risk Integrated System of Closure (RISC) (HEA 1919)	14
Brownfields (HEA 1909)	14
Grants (HEA 1909)	14
Forgivable Loans (HEA 1909)	14
Approving Opinion of a Nationally Recognized Bond Counsel (HEA 1909)	15
Contribution of a Contaminant (HEA 1909)	15
Personal Property Tax Deduction (HEA 1909)	15
Resolutions (HEA 1909)	15
Legalization and Voiding of Certain Brownfield Revitalization Zones (HEA 1909)	16
Location of State Agencies in Downtown Areas (SEA 206)	16
Transportation of High-level Radioactive Waste (SEA 154)	16
Environmental Lien on Tippecanoe County Landfill (HEA 1544)	17
 <b>Pollution Prevention Program:</b>	18
Household Hazardous Waste Grant Program (SEA 6)	18
Indiana Institute on Recycling (HEA 1163)	19
 <b>Solid and Hazardous Waste Program:</b>	20
Permit Accountability Time Frame for Certification of Special Waste	20
Special Waste (HEA 1919)	20
Foundry Sand (SEA 495)	21
Washington County Landfill / Karst Terrain (SEA 392)	21
Hazardous Waste Manifest Program (HEA 1578)	22
Landfill Disposal Fees in St. Joseph County (HEA 1136)	22
Wastewater Management (SEA 502)	22
Agricultural Nonconforming Use (HEA 1638)	23

<b>Water Program:</b>	24
Permit Accountability Time Frames for Minor New NPDES General Permits, Wastewater Facility Construction Permits, and Water Facility Construction Permits	24
Public Water Systems (HEA 1687 and SEA 551)	24
Definition of “Public Water System” (HEA 1687 and SEA 551)	24
Public Water Systems Eligible to Receive Loans and Other Financial Assistance from the Drinking Water Revolving Loan Fund (SEA 551)	24
Public Water Systems Eligible for Financial Assistance from the Indiana Bond Bank (SEA 551)	25
Supplemental Drinking Water and Wastewater Assistance Program and Fund (SEA 551)	25
NPDES Construction Permits (SEA 63)	26
Groundwater Quality Standards (SEA 83)	27
Storm Water Runoff from Developed Real Property (SEA 83)	27
Storm Water Runoff and Construction Activity (SEA 634)	27
Nonprofit Water Utility as a Water Authority (HEA 1687)	27
Plans for Sanitary Sewer Extensions Prepared by Land Surveyors (SEA 32)	28
Replacement of Domestic Water Supplies from Coal Mining Activities (HEA 1568)	28
Septic Systems in Kosciusko County (SEA 76)	28
Clean Water Indiana Program and Fund (SEA 625)	29
Flood Plains and Floodway Regulations (HR 25)	29
American Heritage Rivers Designation (HR 119)	29

**Appendices:**

Table of 1999 Legislation that Affects IDEM (by Enrolled Act Number)	30
Outline of Technical Corrections in SEA 40 that Affect IDEM	38
How to Properly Reference State Legislation	39
How to Find the Most Current Version of a Law in the Indiana Code	40
The Indiana Code (IC) Citation Scheme	41

# A Guide To Using This Legislative Summary

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## Acronyms Used in This Summary:

HEA	House Enrolled Act
SEA	Senate Enrolled Act
HR	House Resolution
HCR	House Concurrent Resolution
SCR	Senate Concurrent Resolution

## How this Summary Should Be Used:

The “1999 Legislative Summary for IDEM” highlights the main points of legislation from the 1999 session of the Indiana General Assembly. The summary focuses only on those topics that directly affect IDEM activities or is information that would be useful to IDEM staff.

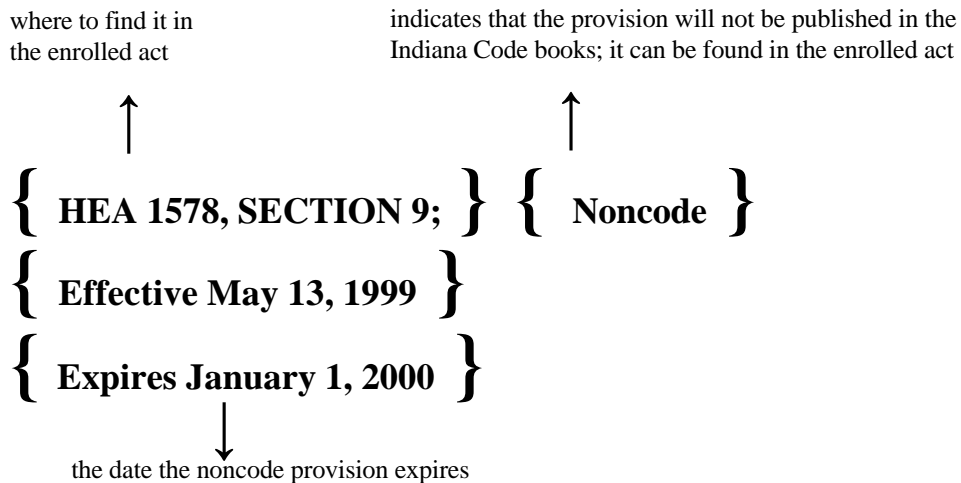
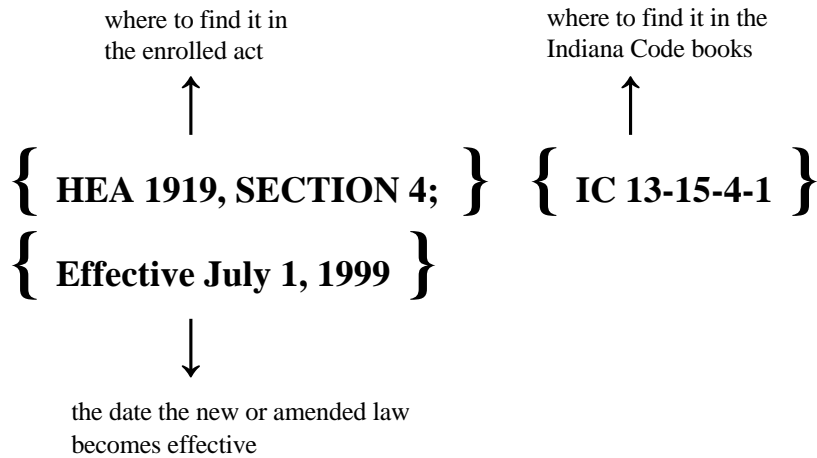
The summary is organized by topic according to programs. Please note that several topics may affect more than one program, but are listed only in the program that is most affected.

This summary is provided as a reference guide. It highlights the main points of each topic and directs you to the location of the exact language in the enrolled act. Please note that the summary for each topic is not exhaustive. It should not take the place of looking at the actual language in the act. It is recommended that you use the summary only as an initial reference, then refer to the actual act for the exact wording and context.

# How to Use the Reference Information Provided in this Summary

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A reference is provided for each entry in the summary and is typed in *italics*. The reference information will vary in appearance as follows:



## **ALL PROGRAMS:**

### **IDEM WATER, SOLID WASTE, AND HAZARDOUS WASTE ANNUAL PERMIT FEES**

*HEA 1919, SECTION 8; IC 13-16-1-7*

*HEA 1919, SECTION 7, IC 13-16-1-6*

*Effective July 1, 1999*

- Before billing a person, the commissioner is required to review the amount of money in the Environmental Management Permit Operation Fund. If the balance of the fund exceeds \$2,500,000 collected from NPDES fees under IC 13-18-20, exceeds \$2,500,000 collected from solid waste fees under IC 13-20-21, or exceeds \$2,500,000 collected from hazardous waste fees under IC 13-22-12 (once obligated expenditures are subtracted from the balance of each), then the commissioner must adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over \$2,500,000.
- Adjustments to the individual bills must be proportional to the applicable fee divided by the total amount required by all the applicable fees.
- Adjustments to the annual fees apply only to the next assessment year and then revert to the original amounts.
- The Water Pollution Control Board and the Solid Waste Management Board may adopt rules to adjust the amount of the fund balance collected under IC 13-18-20, IC 13-20-21, and 13-22-12 separately. However, the amount of the fund balance established by rule may not exceed \$2,500,000.

### **PERMIT ACCOUNTABILITY TIME FRAMES FOR AIR, WASTE, AND WATER**

*HEA 1919, SECTION 19; Noncode*

*Effective July 1, 1999*

*Expires October 1, 1999*

- The Environmental Quality Service Council is directed to review the permit accountability time frames outlined in IC 13-15-4-1 and 326 IAC 2-5-2 and make legislative recommendations based on the review conducted, if appropriate.

### **INSPECTIONS**

*SEA 495, SECTION 4; IC 13-14-5-6*

*Effective July 1, 1999*

- A property owner may provide information in response to any of the following:
  - 1) An oral report.
  - 2) A written summary.
  - 3) Questions raised during the inspection visit.
- IDEM must review and consider any information presented by the property owner. IDEM must append any written information to the inspection report and include the written information in the public file.

## **ENVIRONMENTAL AUDIT REPORTS**

### **Criminal Investigations and Proceedings**

*HEA 1919, SECTION 12; IC 13-28-4-1*

*HEA 1919, SECTION 13; IC 13-28-4-4*

*HEA 1919, SECTION 14; IC 13-28-4-6*

*Effective May 13, 1999*

- The voluntary environmental audit privilege does not apply to criminal investigations or proceedings.

*HEA 1919, SECTION 17; Noncode*

*Effective May 13, 1999*

- The sections concerning criminal actions (IC 13-28-4-3) and access to reports by prosecutors (IC 13-28-4-5) are repealed.

### **Waiver of Privilege**

*HEA 1919, SECTION 15; IC 13-28-4-7*

*Effective May 13, 1999*

- A party that submits an environmental audit report to IDEM waives any privilege to which the party would otherwise be entitled under IC 13-28-4. If IDEM determines that part of an environmental audit report is excepted from public record, then that part of the environmental audit report may not be disclosed by a public agency unless access to the report is required by a state or federal statute or is ordered by a court.
- When IDEM or a prosecuting attorney obtains, reviews, or uses an environmental audit report in a criminal proceeding, the administrative or civil evidentiary privilege created by this chapter is not waived or eliminated for any other purpose.

### **Use of Environmental Audit Reports in IDEM Compliance and Enforcement Activities**

*HEA 1919, SECTION 16; IC 13-28-4-11*

*Effective May 13, 1999*

- IDEM must maintain statistics on the use of environmental audit reports in department compliance and enforcement activities.
- IDEM must report annually to the Environmental Quality Service Council (EQSC) on the use of environmental audit reports.
- IDEM must propose and publish an enforcement policy that provides relief from civil penalties for a voluntary disclosure that results from an internal environmental audit. In developing this enforcement policy, IDEM must consider similar policies implemented by the U.S. EPA and states contiguous to Indiana.
- IDEM must report annually to the EQSC on the use and effectiveness of the enforcement policy.

*HEA 1919, SECTION 18; Noncode*

*Effective May 13, 1999*

*Expires November 2, 1999*

- Before September 1, 1999, IDEM must present the enforcement policy described in IC 13-28-4-11 to the EQSC for discussion.
- Before November 1, 1999, IDEM must publish the enforcement policy according to the procedures for a nonrule policy document.

## **IDEM RULE FISCAL ANALYSES**

*HEA 1919, SECTION 2; IC 13-14-9-5*

*Effective July 1, 1999*

- IDEM must publish, in the Indiana Register, the LSA fiscal analysis of a proposed rule if the proposed rule has an estimated economic impact on regulated entities that is greater than \$500,000.

*HEA 1919, SECTION 3; IC 13-14-9-6*

*Effective July 1, 1999*

- IDEM must include the full text of an LSA fiscal analysis for rules with an estimated economic impact on regulated entities that is greater than \$500,000 in the written materials to be considered at the board meetings where the rule is presented for preliminary adoption and final adoption.
- An “or” is replaced with an “and” to clarify that IDEM must include responses to comments received during the 3<sup>rd</sup> comment period and responses to comments received during the preliminary adoption board meeting in the written materials to be considered at final adoption.

## **IDEM NONRULE POLICY DOCUMENTS**

*SEA 397, SECTION 2; IC 13-14-1-11.5*

*Effective July 1, 1999*

- An IDEM nonrule policy document may not be put into effect until 30 days after it is made available for public inspection and comment and presented to the appropriate board. (*Note that, previously, a nonrule policy document became effective once it was made available for public inspection and copying.*)

*SEA 397, SECTION 1; IC 13-14-1-6*

*Effective July 1, 1999*

- Guidance documents on solid waste recycling and source reduction are subject to the procedures in IC 13-14-1-11.5.

*SEA 397, SECTION 3; IC 13-27-7-2*

*Effective July 1, 1999*

- Guidance documents, technical assistance manuals, and policies developed or used in implementing pollution prevention programs are subject to the procedures in IC 13-14-1-11.5.

## **STATE BIENNIAL BUDGET**

### **IDEM**

*HEA 1001, SECTION 5B; Noncode*

*Effective July 1, 1999*

- Appropriations from the state general fund and other specifically dedicated funds are made for each IDEM program for the next two state fiscal years (FY 1999-2000 and FY 2000-2001).

### **Supplemental Drinking Water and Wastewater Assistance Fund**

*HEA 1001, SECTION 33; Noncode*

*Effective July 1, 1999*

- \$40,000,000 is appropriated to the Supplemental Drinking Water and Wastewater Assistance Fund from the Build Indiana Fund for local wastewater and drinking water grants and loans.



## **Wastewater Revolving Loan Fund and the Drinking Water Revolving Loan Fund**

*HEA 1001, SECTION 45; IC 8-9.5-9-2*

*HEA 1001, SECTION 46; IC 8-9.5-9-3*

*HEA 1001, SECTION 47; IC 8-9.5-9-5*

*HEA 1001, SECTION 48; IC 8-9.5-9-8*

*Effective July 1, 1999*

- The Indiana Bond Bank is given the authority to enter swap agreements for the Wastewater Revolving Loan Fund and the Drinking Water Revolving Loan Fund.

## **IDEM DEDICATED FUNDS**

*HEA 1578, SECTION 8; Noncode*

*Effective May 13, 1999*

*Expires December 31, 2000*

- IDEM and the Environmental Quality Service Council (EQSC) must conduct a study to evaluate different approaches for determining the allocation of costs of all department-wide services that support the funds under IC 13 that provide a source of money for a specified purpose.
- The EQSC must make written recommendations, based on the findings of the study, to the Legislative Council and the State Budget Agency no later than November 1, 2000.

## **TECHNICAL CORRECTIONS**

*SEA 40, SECTIONS 15 and 35-40*

*Effective March 2, 1999*

- Refer to the "Outline of Technical Corrections in SEA 40 That Affect IDEM" on page 38.

## **PUBLIC ACCESS COUNSELOR AND COMPLAINT PROCEDURE**

*SEA 1, SECTION 4 and HEA 1002, SECTION 4; IC 5-14-4*

*SEA 1, SECTION 1 and HEA 1002, SECTION 1; IC 5-14-1.5-7*

*SEA 1, SECTION 2 and HEA 1002, SECTION 2; IC 5-14-3-9*

*Effective July 1, 1999*

- The Office of the Public Access Counselor is established. Among the numerous powers and duties of the Counselor are: 1) to respond to inquiries made by the public and public agencies by telephone, in writing, in person, by facsimile, or by electronic mail concerning the public access laws; and 2) to issue advisory opinions to interpret the public access law upon the request of a person or a public agency.

*SEA 1, SECTION 3 and HEA 1002, SECTION 3; IC 5-14-3-10*

*Effective July 1, 1999*

- A public employee who discloses confidential information in reliance on an advisory opinion by the Public Access Counselor is immune from liability for such a disclosure.

*SEA 1, SECTION 5 and HEA 1002, SECTION 5; IC 5-14-5*

*Effective July 1, 1999*

- A person or a public agency is not required to file a formal complaint before filing an action under IC 5-14-1.5 (public meetings) or IC 5-14-3 (access to public records).
- A public agency must cooperate with the Public Access Counselor in any investigation or proceeding.
- A person or a public agency denied the right to inspect or copy records or the right to attend any public meeting of a public agency may file a formal complaint with the Public Access

Counselor or may make an informal inquiry.

- A person or a public agency that chooses to file a formal complaint with the Public Access Counselor must file the complaint not later than 30 days after the denial or after the person filing the complaint receives notice in fact that a meeting was held by a public agency, if the meeting was conducted secretly or without notice.
- When the Public Access Counselor receives a formal complaint, the counselor must immediately forward a copy of the complaint to the public agency that is the subject of the complaint.
- The Public Access Counselor must issue an advisory opinion on the complaint not later than 30 days after the complaint is filed.
- The filing of a formal complaint does not delay the running of a statute of limitations that applies to a lawsuit under IC 5-14-1.5 or IC 5-14-3 concerning the subject matter of the complaint.

## **INTERNET NOTICE OF STATE MEETINGS AND BID LISTS**

### **Notices**

*SEA 204, SECTION 3; IC 5-3-1-6*

*Effective July 1, 1999*

- In addition to publishing a notice in public newspapers, a state officer, board, commission, or institution of the state of Indiana that is required by law to publish a notice of a public meeting must also provide electronic access to the notice through the Internet.

*SEA 204, SECTION 4; IC 5-14-1.5-5*

*Effective July 1, 1999*

- In addition to providing the date, time, and place of a meeting by posting the notice and delivering the notice to news media, a state agency must provide electronic access to a notice through the Internet. *(Note that this provision places the Governor's Executive Order 98-26 into statute.)*

### **Bids**

*SEA 204, SECTION 5; IC 5-22-7-5*

*Effective July 1, 1999*

- In addition to publishing a notice of the invitation for bids in public newspapers, the purchasing agency for a state agency must provide electronic access to a notice through the Internet. *(Note that this provision places the Governor's Executive Order 98-26 into statute.)*

*SEA 204, SECTION 6; IC 5-22-9-3*

*Effective July 1, 1999*

- In addition to giving public notice of a request for proposals in public newspapers, the purchasing agency for a state agency must provide electronic access to a notice through the Internet.

## **RECYCLED MATERIALS PURCHASING PREFERENCE**

*SEA 429, SECTION 3; IC 5-22-15-16*

*Effective July 1, 1999*

- Former recycled material purchasing preference specifications for purchasing supplies are removed and replaced with the requirement that the amount of the price preference and the

recycled materials' composition of the supplies must be set by one of the following:

- 1) Rules adopted by the governmental body.
- 2) Policies established by the purchasing agency.
- 3) The solicitation.

The preference must be set to maximize the use of recycled materials when economically practical.

- The price preference may not be less than 10% or exceed 15%.

*SEA 429, SECTION 6; Noncode*

*Effective July 1, 1999*

- IC 5-22-15-17, concerning a price preference of 15% for supplies that contain at least 50% by volume of recycled materials that are post-consumer waste, is repealed.

### **LICENSURE OF PROFESSIONAL GEOLOGISTS**

*SEA 533, SECTIONS 1-35; IC 25-17.6*

*Effective July 1, 1999*

- The program for professional geologists is changed from a certification program to a licensure program.

*SEA 533, SECTION 29; IC 25-17.6-7-1*

*Effective July 1, 1999*

- Employees of state government continue to be exempt from the requirements of licensure, as they were for certification, while engaging in providing geological services for the employee's employer.
- A certified soil scientist is also exempt from the requirements of licensure for professional geologists.

### **INDIANA LAND RESOURCES COUNCIL**

*SEA 662, SECTION 1; IC 15-7-9*

*SEA 662, SECTION 2; Noncode*

*Effective July 1, 1999*

- The Indiana Land Resources Council is established to collect information and provide educational assistance, technical assistance, and advice to local governments regarding land use strategies and issues across the state. The council consists of 10 members; one representing the environment.

## **AIR PROGRAM:**

### **AIR PERMITS**

#### **Title V Permit Appeals**

*HEA 1919, SECTION 5; IC 13-15-6-1*

*Effective May 1, 1999 (retroactive)*

- A person may file an appeal of the commissioner's action in issuing an initial permit under the operating permit program under 42 U.S.C. 7661 through 7661f not later than 30 days (*rather than 15 days as required in IC 13-15-6-1(a) and IC 4-21.5-3-7(a)(3)*) after the date the person received the notice. This applies to permits issued after April 30, 1999.

#### **Styrene Sources**

*HEA 1919, SECTION 21; Noncode*

*Effective May 13, 1999*

*Expires July 1, 2001*

- For purposes of this noncode SECTION, “existing source” means a source in the reinforced plastic composites fabricating industry that emits styrene and has been issued a construction permit or an operating permit by IDEM.
- IDEM must do the following:
  - 1) Before October 1, 1999, develop written policies and procedures to address changes in estimated air pollution emissions from existing sources.
  - 2) Before publication, make a proposed nonrule policy document available to the public, the Air Pollution Control Board, the Environmental Quality Service Council, and the Clean Manufacturing Technology and Safe Materials Institute for review and comment.
  - 3) Not later than November 1, 1999, publish a nonrule policy document describing the policies and procedures that IDEM will use to make determinations on air construction and operating permits for existing sources.
- Before December 31, 2000, the Air Pollution Control Board must adopt rules to establish appropriate standards for control of air pollution from new and existing sources in the reinforced plastic composites fabricating industry. The Air Pollution Control Board must consider all available information when adopting the rules, including the following:
  - 1) Available control technology.
  - 2) Industry work practices.
  - 3) Materials available to the industry.
  - 4) Recommendations by the Clean Manufacturing Technology and Safe Materials Institute.

### **AIR EMISSIONS REDUCTION CREDIT PROGRAM**

*HEA 1561, SECTION 1; Noncode*

*Effective April 23, 1999*

*Expires July 1, 2001*

- The Environmental Quality Service Council (EQSC) must conduct a study to advise IDEM concerning the feasibility of establishing an air emissions reduction credit program that provides economic incentives to achieve air quality goals and objectives in Indiana.
- The EQSC must consider the following items in its study:
  - 1) Cost effective ways to achieve air emissions reductions.

- 2) The economic and environmental benefits of an air emissions reduction credit program that would allow credits to be earned, banked, and traded on an exchange.
  - 3) The benefits of an air emissions reduction credit trading program in areas classified as nonattainment for ozone, areas classified as transitional for ozone attainment, and areas unclassified under the federal Clean Air Act (42 U.S.C. 7401 et seq.).
  - 4) The establishment of a formal process for the identification of emission offsets for use in nonattainment areas.
  - 5) Existing federal and state air emissions reduction credit programs.
  - 6) Use of set-asides to achieve net reduction of air emissions and maximum environmental benefit.
  - 7) The establishment of a central registry or clearinghouse where air emissions reduction credit program information may be published.
  - 8) Existing federal regulations that might affect a state operated air emissions reduction credit program.
  - 9) Guidelines determining use and value of an earned air emissions reduction credit.
  - 10) Locally transported pollutants and long range transported pollutants.
  - 11) The benefits of interpollutant trading.
  - 12) The duration of an earned air emissions reduction credit.
  - 13) Any other information the EQSC considers appropriate.
- Before January 1, 2000, the EQSC must make a recommendation to the Legislative Council that does at least one of the following:
    - 1) Suggests legislation that would require the Air Pollution Control board to adopt rules to establish an air emissions reduction credit program before July 1, 2001.
    - 2) Advises IDEM to adopt guidance or nonrule policy documents before July 1, 2001, to implement air emissions reduction credit trading or other economic incentives to meet air quality goals and objectives.
    - 3) Recommends that the EQSC or a workgroup established by the EQSC should continue to study the feasibility of establishing an air emissions reduction credit program in Indiana.
  - A recommendation made by the EQSC may not interfere with federal acid rain programs or the state implementation plan concerning nitrogen oxides.

### **LEAD-BASED PAINT ACTIVITY FEES**

*HEA 1725, SECTION 1; IC 13-17-14-5*

*Effective May 3, 1999*

- A state, a municipal corporation, or a unit (*county, municipality, township*) seeking an individual lead-based paint activities license is not required to pay the fee of \$150.
- A state, a municipal corporation, a unit, or a tax exempt organization, seeking approval of a lead-based paint activities training course as a lead-based paint activities training program provider, is not required to pay the fee of \$1,000.

### **MOTOR VEHICLE INSPECTION STATIONS**

*HEA 2021, SECTION 5; Noncode*

*HEA 2021, SECTION 1; IC 9-18-2-12*

*HEA 2021, SECTION 3; IC 13-17-5-7*

*HEA 2021, SECTION 4; IC 13-17-5-8*

*Effective May 13, 1999*

- IC 13-17-5-5 is repealed since the section expired July 1, 1998 and is replaced by IC 13-17-5-5.1.

*HEA 2021, SECTION 2; IC 13-17-5-5.1*

*Effective May 13, 1999*

- IC 13-17-5-5.1 replaces the language in the expired and repealed IC 13-17-5-5 concerning the following:
  - 1) the requirement that certain motor vehicles to undergo a periodic air emissions test;
  - 2) an authorized inspection station may inspect a vehicle and certify that the inspected vehicle meets the established air emission control standards; and
  - 3) IDEM may contract-out the inspections to test the emission or emission control devices of motor vehicles.

*HEA 2021, SECTION 6; Noncode*

*Effective June 30, 1998 (retroactive)*

- The following are legalized by this noncode provision that has a retroactive effective date of June 30, 1998, since there otherwise would be a gap between when IC 13-17-5-5 expired on July 1, 1998, and when the replacement provision, IC 13-17-5-5.1, became effective on May 13, 1999:
  - 1) A rule adopted by the Air Pollution Control Board and described in IC 13-17-5-5(a) (before its repeal) that requires certain motor vehicles to undergo an emissions test.
  - 2) An inspection of a vehicle and certification that the inspected vehicle meets the air emission control standards, conducted under IC 13-17-5-5(b) (before its repeal).
  - 3) Contracts that IDEM entered into to conduct the emissions tests, and inspections made, under IC 13-17-5-5(c) (before its repeal).

### **STATE IMPLEMENTATION PLAN (SIP) CALL RULE**

*House Resolution (HR) 29; Adopted April 29, 1999*

*(Note that a resolution does not have the effect of law. It is used to express the sentiment of the Indiana House of Representatives.)*

- The Indiana House of Representatives opposes implementation of U.S. EPA's No<sub>x</sub> State Implementation Plan (SIP) call rule as promulgated in October 1998.
- They support the alternative, more cost-effective emission reduction plan proposed by the State of Indiana to U.S. EPA in June 1998, that would minimize the long-distance interstate transport of ozone and precursor emissions to insignificant levels, using cost-effective emission controls, and would enable Indiana and adjacent states to comply with the 1-hour ozone standard.
- They recommend that IDEM plan to comply with the SIP call rule through submission of more cost-effective source control plans, such as those recommended by the State of Indiana to the U.S. EPA in June 1998.

### **GROUND LEVEL OZONE FORMATION**

*House Resolution (HR) 110; Adopted April 27, 1999*

*(Note that a resolution does not have the effect of law. It is used to express the sentiment of the Indiana House of Representatives.)*

- The Environmental Quality Service Council (EQSC) is urged to undertake the task of determining, for Indiana, the framework for the best national, state and regional strategy for controlling ground level ozone formation.

- In developing the framework, the EQSC must:
  - 1) Define the extent of the problem for Indiana.
  - 2) Identify characteristics of ozone formation.
  - 3) Identify sources of chemicals that contribute to ozone formation.
  - 4) Identify the impact of those sources.
  - 5) Identify the state of information regarding the information and transport of ozone and the affect of various controls on its formation.
  - 6) Examine the assumptions that underlie current federal and state control strategies.
  - 7) Consider the relative merits, including the cost effectiveness, of national, regional, statewide and local controls.
  - 8) Consider methods of developing certainty that policies and strategies will be reliable for at least 5 year increments.
  - 9) Consider timing of implementing potential control measures in light of U.S. EPA's modeling and schedule for submitting state implementation plans for traditional ozone non-attainment areas.
- The EQSC must make a report of its findings to the Governor, the Speaker of the House, and the President Pro Tempore of the Senate, along with any legislative recommendations it chooses to make, by November 1, 1999.

## **STEEL IMPORTS**

*House Resolution (HR) 1; Adopted November 17, 1998*

*Senate Concurrent Resolution (SCR) 19; Adopted March 2, 1999*

*(Note that a resolution does not have the effect of law. It is used to express the sentiment of the Indiana General Assembly.)*

- The Indiana General Assembly urges the President of the United States to impose a one year ban on the imports of all steel products from Australia, China, South Africa, Ukraine, Indonesia, India, Japan, Russia, South Korea, and Brazil if international trade agreements are being violated. A record level of steel imports from these countries into the U.S., due to the lower prices of foreign steel as a result of financial crises in those countries, has lead to economic concerns in Indiana. Indiana is the number one steel producing state in the nation, employing nearly 30,000 Hoosiers.

## **ALTERNATIVE FUELS AND ALTERNATIVE FUELED VEHICLES**

*House Concurrent Resolution (HCR) 115*

*Adopted by the House, but not by the Senate; Referred to the Legislative Council*

*(Note that a resolution does not have the effect of law. It is used to express the sentiment of the Indiana General Assembly.)*

- The Legislative Council is urged to direct the Environmental Quality Service Council to study the air quality and benefits to air quality associated with alternative fuels and alternative fueled vehicles as they relate to the reduction of mobile source emissions. It would be beneficial to determine the costs/benefits of alternative fuel and alternative fueled vehicles as they relate to the reduction of mobile source emissions and a possible lowering of the clean air requirements in nonattainment areas.

## **NORTHWEST INDIANA TRANSPORTATION STUDY COMMISSION**

*SEA 272, SECTION 1; Noncode*

*Effective July 1, 1999*

*Expires November 2, 2001*

- The Northwest Indiana Commuter Rail and Transportation Study Commission is renamed the Northwest Indiana Transportation Study Commission.
- An additional duty is added to the responsibilities of the commission– the commission must evaluate the needs of high speed rail service in and through the state.
- The commission's expiration date is extended from November 2, 1999 to November 2, 2001.

## **LAKE COUNTY REGIONAL TRANSPORTATION AUTHORITY**

*HEA 1318, SECTIONS 1-7; IC 36-9-3 and Noncode*

*Effective May 3, 1999*

- The membership of the Lake County Regional Transportation Authority is expanded from 12 members to 16 members.
- The board of the Lake County Regional Transportation Authority is required to establish a citizens advisory council with 11 members.



## **ENVIRONMENTAL RESPONSE PROGRAM:**

### **UNDERGROUND STORAGE TANK GRANT PROGRAM**

*SEA 66, SECTION 1; IC 13-23-10-10*

*Effective May 3, 1999*

- Owners or operators that closed or removed an underground storage tank after December 31, 1997 and before July 1, 1998 are eligible to receive a grant from the Underground Storage Tank Grant Program. *(Note that the grant program was originally established on July 1, 1998 and did not capture those owners or operators that closed or removed their tanks before July 1, 1998.)*

*SEA 66, SECTION 3; Noncode*

*Effective May 3, 1999*

*Expires July 2, 2001*

- On July 1, 1999, \$120,000 will be transferred from the Underground Petroleum Storage Tank Excess Liability Trust Fund to the Underground Storage Tank Guaranty Fund to be used for grants for owners or operators that closed or removed an underground storage tank after December 31, 1997 and before July 1, 1998.
- On July 1, 2001, any money remaining in the Underground Storage Tank Guaranty Fund shall be transferred to the Underground Petroleum Storage Tank Excess Liability Trust Fund.

### **UNDERGROUND STORAGE TANK CIVIL PENALTIES**

*SEA 66, SECTION 2; IC 13-23-14-3*

*Effective May 3, 1999*

*HEA 1909, SECTION 14; IC 13-23-14-3*

*Effective July 1, 1999*

*(Note that the amendments made to IC 13-23-14-3 by SEA 66 and HEA 1909 are identical, but the effective dates are different. This provision becomes effective May 3, 1999.)*

- A person is not subject to the civil penalty of not more than \$10,000 per underground storage tank for each day of violation if:
  - 1) the violation arose from an underground storage tank that is on a brownfield;
  - 2) the person was not the owner or operator of the underground storage tank when the violation first occurred;
  - 3) the person does not dispense a regulated substance into or from the underground tank for any purpose other than temporary or permanent closure, or in violation of any federal, state, or local regulations; and
  - 4) the underground storage tank is brought into compliance not later than one year after the person acquired ownership of the property.

### **UNDERGROUND PETROLEUM STORAGE TANK FEE**

*HEA 1578, SECTION 4; IC 13-23-12-1*

*Effective May 13, 1999*

- The annual registration fee for each underground petroleum storage tank is reduced from \$290 to \$90 for each tank.

*HEA 1578, SECTION 5; IC 13-23-12-4*

*Effective May 13, 1999*

- The amount of money deposited into the Underground Petroleum Storage Tank Excess

Liability Trust Fund (*also known as the Excess Liability Trust Fund*) in connection with the annual registration fee for each underground petroleum storage tank is reduced from \$245 to \$45.

*HEA 1578, SECTION 7; Noncode*

*Effective May 13, 1999*

*Expires July 1, 2000*

- The reduction in the annual registration fee for underground petroleum storage tanks applies to all annual registration fees assessed after June 30, 1999 and do not apply to annual registration fees that were assessed on July 1, 1998 and are due to be paid after July 1, 1998.

## **UNDERGROUND STORAGE TANK CORRECTIVE ACTION LIABILITY FOR OPERATORS**

*HEA 1578, SECTION 3; IC 13-11-2-148(e)*

*Effective January 1, 1999 (retroactive)*

- The exclusion to the definition of “operator”, for purposes of underground storage tank corrective actions (IC 13-23-13), in addition to other exclusions, does not include a person who:
  - 1) does not own or lease, directly or indirectly, the facility or business at which the underground storage tank is located;
  - 2) does not participate in the management of the facility or business; and
  - 3) is engaged only in filling, gauging, or filling and gauging, the product level in the course of delivering fuel to an underground storage tank.

*HEA 1578, SECTION 10; Noncode*

*Effective January 1, 1999 (retroactive)*

- This added exclusion to the definition of “operator” shall not be construed to affect any litigation filed before January 1, 1999.

*HEA 1578, SECTION 6; IC 13-23-13-5.5*

*Effective May 13, 1999*

- Notwithstanding any other provision of IC 13-23-13, a person who is not an owner or operator of an underground storage tank is liable to the state only for corrective action to address a surface spill or overfill of a regulated substance from the underground storage tank that is intentionally caused by the person during the delivery of the regulated substance into the underground storage tank.
- A person who is liable for corrective action for a surface spill or overfill during the delivery of a regulated substance into an underground storage tank is subject to a claim for contribution to corrective action costs by a person who undertakes the corrective action or pays to the state the costs for corrective action. Except as otherwise provided in subsections (c) and (d) of IC 13-23-13-5.5, an action for contribution under this section may be brought in the same manner and is subject to the same provisions as an action brought under section 8(b) of IC 13-23-13.
- Before a person brings a contribution action under this section, the person must provide written notice of intent to bring the action by certified mail to IDEM and each person allegedly responsible for the surface spill or overfill that occurred during the delivery of a regulated substance into the underground storage tank.

- A person that provides notice to bring action may not bring a contribution action if:
  - 1) IDEM commences an administrative proceeding or a civil action concerning the alleged surface spill or overfill not later than 90 days after receiving notice; or
  - 2) the person who receives the notice agrees in writing, within 90 days after receipt of the notice, to remediate the surface spill or overfill in accordance with the state's rules governing spills and overfills.

### **RISK INTEGRATED SYSTEM OF CLOSURE (RISC)**

*HEA 1919, SECTION 1; IC 13-12-3-2*

*Effective July 1, 1999*

- The remediation and closure goals, objectives, and standards for activities conducted under IC 13-22 (hazardous waste management) and IC 13-23 (underground storage tanks) must be consistent with the remediation objectives set forth in IC 13-25-5-8.5.
- The groundwater quality standards adopted under IC 13-18-17-5 must allow, as appropriate, groundwater remediations to be consistent with the remediation objectives set forth in IC 13-25-5-8.5.

*HEA 1919, SECTION 22; Noncode*

*Effective May 13, 1999*

*Expires December 31, 1999*

- Before December 1, 1999, the Environmental Quality Service Council must submit a recommendation to the Indiana General Assembly as to the circumstances in which IDEM should allow a transition period during which a person that has applied to IDEM to perform an environmental investigation, remediation, or closure under IC 13-25-5 before December 31, 1999, may choose to employ:
  - 1) IDEM's published RISC guidance document; or
  - 2) the rules, policies, and guidance documents in effect before the publication of the RISC guidance document;
 to perform the investigation, remediation, or closure.

### **BROWNFIELDS**

#### **Grants**

*HEA 1909, SECTION 1; IC 4-4-6.1-2.3*

*Effective July 1, 1999*

- The Enterprise Zone Fund, administered by the Department of Commerce, can be used to provide grants to enterprise zone associations for brownfield remediation within enterprise zones.

#### **Forgivable Loans**

*HEA 1909, SECTION 13; IC 13-19-5-15*

*HEA 1909, SECTION 11; IC 13-19-5-1*

*Effective July 1, 1999*

- The Indiana Development Finance Authority (IDFA) may deposit appropriations or other money received under the Environmental Remediation Revolving Loan Program after June 30, 1999, into a subaccount of the Environmental Remediation Revolving Loan Fund to be used to award forgivable loans to political subdivisions for remediation or other brownfield redevelopment activities.
- The IDFA must adopt guidelines to establish a political subdivision's eligibility for a forgivable

loan and provide priority for projects that involve abandoned gas stations or underground storage tank issues, or are located within ½ mile of a child-related facility.

- Not more than 20% of the total amount of loans provided for a project under the Environmental Remediation Revolving Loan Program may be in the form of a forgivable loan.

### **Approving Opinion of a Nationally Recognized Bond Counsel**

*HEA 1909, SECTION 12; IC 13-19-5-9*

*Effective July 1, 1999*

- An approving opinion of a nationally recognized bond counsel is no longer required to be submitted by a political subdivision in order to receive a loan or other financial assistance from the Environmental Remediation Revolving Loan Fund, unless required by the IDFA.

### **Contribution of a Contaminant**

*HEA 1909, SECTION 3; IC 6-1.1-42-12*

*HEA 1909, SECTION 5; IC 6-1.1-42-22*

*HEA 1909, SECTION 8; IC 6-1.1-42-27*

*HEA 1909, SECTION 9; IC 6-1.1-42-28*

*Effective July 1, 1997 (retroactive)*

- The term “contamination” is replaced with “contaminant” for purposes of the requirement that in order for a designating body to designate an area as a brownfield revitalization zone and approve a deduction, the applicant:

- 1) has not contributed a contaminant; and
- 2) has never had an ownership interest in an entity that contributed a contaminant.

This clarifies that it includes contamination to soil, surface water, and groundwater, rather than just groundwater.

### **Personal Property Tax Deduction**

*HEA 1909, SECTION 6; IC 6-1.1-42-23*

*HEA 1909, SECTION 10; IC 6-1.1-42-30*

*Effective July 1, 1997 (retroactive)*

- In addition to real property, personal property has been added as a type of property that may be eligible for a property tax deduction.

### **Resolutions**

*HEA 1909, SECTION 2 IC 6-1.1-42-7*

*HEA 1909, SECTION 4 IC 6-1.1-42-14*

*HEA 1909, SECTION 7 IC 6-1.1-42-25*

*Effective July 1, 1997 (retroactive)*

- A resolution, rather than an order, must be used by a designating body that designates areas as brownfield revitalization zones to impose a filing fee and establish general standards for declaring an area as a brownfield revitalization zone.
- The ability of a designating body to establish general written standards for granting an assessed valuation tax deduction is eliminated.
- An appeal against declaring an area as a brownfield revitalization zone or against a tax deduction, is against a resolution, rather than an order, of a designating body.

### **Legalization and Voiding of Certain Brownfield Revitalization Zones**

*HEA 1909, SECTION 15; Noncode*

*Effective May 3, 1999*

- A brownfield revitalization zone that was established or a deduction in a brownfield revitalization zone that was granted after June 30, 1997, and before May 3, 1999, in conformity with IC 6-1.1-42, is legalized and validated to the same extent as if the changes in this act had been part of SEA 360 (P.L.59-1997).
- A brownfield revitalization zone that was established or a deduction in a brownfield revitalization zone that was granted after June 30, 1997, and before May 3, 1999, in response to an applicant that:
  - 1) had an ownership interest in an entity that contributed; or
  - 2) contributed;a contaminant that is the subject of a voluntary remediation under IC 13-25-5 is void to the same extent as if this act had been part of SEA 360 (P.L.59-1997).

### **LOCATION OF STATE AGENCIES IN DOWNTOWN AREAS**

*SEA 206, SECTION 1; IC 4-13-1.1*

*SEA 206, SECTION 2; Noncode*

*Effective July 1, 1999*

*Noncode portion expires July 2, 2001*

- The definition of “downtown” includes a brownfield revitalization zone.
- The Department of Administration must establish a policy to encourage state agencies to locate leased and state constructed facilities in downtown areas.

### **TRANSPORTATION OF HIGH-LEVEL RADIOACTIVE WASTE**

*SEA 154, SECTION 1; IC 10-8-3*

*Effective July 1, 1999*

- Before a person may transport high-level radioactive waste in Indiana, the person who is responsible for the shipment must submit a notice and a transportation fee of \$1,000 for each total shipment of nuclear waste to the director of the State Emergency Management Agency (SEMA).
- The fee shall be deposited into the Nuclear Response Fund. SEMA will administer the fund. Money in the fund will be annually appropriated to the State Emergency Management Commission to be used to provide appropriate education, training, and equipment to local emergency responders in counties that will be affected by the transportation of high-level radioactive waste.
- IDEM is one of the agencies that the director of SEMA will consult with to prepare a plan for emergency response to a high-level radioactive waste transportation accident in Indiana. The plan must include for the evacuation, containment, and cleanup and must designate the role of each state or local government agency involved in the emergency response plan.
- IDEM is one of the agencies that will be notified if the director of SEMA requires an alternative highway or railway route or selects new state designated routes.
- SEMA is given the authority to adopt rules to implement these provisions.

*SEA 154, SECTION 2; Noncode*

*Effective July 1, 1999*

*Expires July 2, 2000*

- The director of SEMA must prepare the initial emergency response plan before July 1, 2000.

**ENVIRONMENTAL LIEN ON TIPPECANOE COUNTY LANDFILL**

*HEA 1544, SECTION 1; IC 36-7-29-22.5*

*Effective January 1, 1999 (retroactive)*

- The special taxing district in Tippecanoe County, governed by the Tippecanoe County Environmental Response Financing Board, is given the authority to impose a lien on the site of the Tippecanoe County Landfill in order to recover the costs incurred by Tippecanoe County taxpayers for the cleanup of the landfill. *(Note that this provision also applies to the special taxing district in Columbia City which is governed by the Columbia City Environmental Response Financing Board.)*

## **POLLUTION PREVENTION PROGRAM:**

### **HOUSEHOLD HAZARDOUS WASTE GRANT PROGRAM**

*SEA 6, SECTION 3; IC 13-20-20-1*

*SEA 6, SECTION 4; IC 13-20-20-2*

*SEA 6, SECTION 5; IC 13-20-20-3*

*SEA 6, SECTION 7; IC 13-20-20-8*

*SEA 6, SECTION 10; IC 13-25-4-1*

*Effective July 1, 1999*

- Conditionally exempt small quantity generator (CESQG) waste is added to the Household Hazardous Waste (HHW) Grant Program.
- Projects involving the “recycling” of HHW and CESQG waste can now be funded through the HHW Grant Program.

*SEA 6, SECTION 1; IC 13-11-2-38.5*

*Effective July 1, 1999*

- “Conditionally exempt small quantity generator waste” is defined.

*SEA 6, SECTION 2; IC 13-11-2-104*

*Effective July 1, 1999*

- “Household hazardous waste” is redefined.

*SEA 6, SECTION 5; IC 13-20-20-3*

*SEA 6, SECTION 6; IC 13-20-20-4*

*Effective July 1, 1999*

- The timetable for completion of a HHW or CESQG waste project is extended from 12 months to 24 months.
- Costs incurred more than 24 months (*previously was “more than 12 months”*) after a grant has been accepted are ineligible project costs.

*SEA 6, SECTION 8; IC 13-20-20-13*

*Effective July 1, 1999*

- The Solid Waste Management Board is given the authority to adopt rules concerning the HHW Grant Program; it no longer is a requirement.

*SEA 6, SECTION 3; IC 13-20-20-1*

*SEA 6, SECTION 9; IC 13-20-22-2*

*Effective July 1, 1999*

- The State Solid Waste Management Fund can be used to provide grants for HHW and CESQG waste collection, recycling, or disposal projects.

*SEA 6, SECTION 10; IC 13-25-4-1*

*Effective July 1, 1999*

- “Grants” and “paying IDEM’s administrative and personnel expenses” for implementing and administering the CESQG waste collection, recycling, or disposal projects is added to the purposes of the use of money in the Hazardous Substances Response Trust Fund.
- “Recycling” has been added to the types of HHW and CESQG waste projects that can be funded (“Grants” and “paying IDEM’s administrative and personnel expenses”) through the Hazardous Substances Response Trust Fund.

*SEA 6, SECTION 11; IC 13-25-4-4*

*Effective July 1, 1999*

- The amount of money available from the Hazardous Substances Response Trust Fund for HHW grants is increased from not more than \$250,000 to not more than \$450,000 each year.

*SEA 6, SECTION 4; IC 13-20-20-2*

*Effective July 1, 1999*

- HHW grantees no longer have to use a licensed hazardous waste transportation service to collect, handle, pack, transport, and dispose of the waste. They may use a licensed hazardous waste service to collect, handle, pack, transport, or dispose of the waste.

### **INDIANA INSTITUTE ON RECYCLING**

*HEA 1163, SECTION 1; IC 13-20-18-11*

*HEA 1163, SECTION 2; IC 13-20-18-12*

*Effective April 23, 1999*

- The termination date of the Indiana Institute on Recycling is extended from June 30, 1999 to June 30, 2001.

*HEA 1163, SECTION 3; Noncode*

*Effective July 1, 1999*

- IC 36-9-30-36, the provision that requires local units of government that provide solid waste collection or disposal services to submit a full cost accounting of solid waste collection and disposal to the Indiana Institute on Recycling by March 1 of each year is repealed. *This provision was originally due to expire June 30, 2002.*



## **SOLID AND HAZARDOUS WASTE PROGRAM:**

### **PERMIT ACCOUNTABILITY TIME FRAME FOR CERTIFICATION OF SPECIAL WASTE**

*HEA 1919, SECTION 4; IC 13-15-4-1*

*Effective July 1, 1999*

- The number of days IDEM has to issue a certification of a special waste is reduced from 60 days to 50 days.

### **SPECIAL WASTE**

*HEA 1919, SECTION 9; IC 13-20-7-1*

*Effective May 13, 1999*

- In addition to a person not being required to have special waste certified for disposal for a single shipment of special waste (if specified conditions apply), a person may not be required to have special waste certified for disposal if the special waste is disposed of at a solid waste landfill cell or unit that meets or exceeds Subtitle D design standards and the disposal complies with the notification requirements in IC 13-20-7-7.

*HEA 1919, SECTION 10; IC 13-20-7-7*

*Effective May 13, 1999*

- All persons that generate special waste and dispose of the special waste at a solid waste landfill cell or unit that meets or exceeds Subtitle D design standards must provide the landfill with a signed notification, which includes specified information, before the person first disposes of the special waste.
- After the person follows the notification requirements above, the person must inform the landfill each time the person sends special waste described in the notification to the landfill for disposal.
- Despite the notification requirements above, a person may continue to dispose of special waste certified under IC 13-20-7.

*HEA 1919, SECTION 11; IC 13-20-7-8*

*Effective May 13, 1999*

- A person that generates special waste may not send the special waste to a transfer station unless the transfer station is permitted by IDEM to accept special waste. This applies to all persons that generate special waste.

*HEA 1919, SECTION 20, subsections (a) and (b); Noncode*

*Effective May 13, 1999*

*Expires July 1, 2001*

- Before July 1, 2000, the Solid Waste Management Board must adopt rules to make the board's rules concerning special waste consistent with the amendments made to IC 13-20-7-1.

*HEA 1919, SECTION 20, subsection (c); Noncode*

*Effective May 13, 1999*

- A rule adopted by the Solid Waste Management Board before May 13, 1999, that does not comply with the amendments made to IC 13-20-7-1, applies only to special waste that is disposed of at a solid waste landfill that does not meet Subtitle D design standards.

## **FOUNDRY SAND**

*SEA 495, SECTION 3; IC 13-19-3-7*

*Effective July 1, 1999*

- IDEM, the Air Pollution Control Board, Water Pollution Control Board, and Solid Waste Management Board must allow a person to use foundry sand in accordance with guidance, without requiring the person to obtain any permits from IDEM, if the foundry sand meets Type III criteria under 329 IAC 10-9 and is for use in a land application operation or as a soil amendment if the application or amendment does not include the operation of a landfill.

*SEA 495, SECTION 1; IC 13-11-2-114.2*

*SEA 495, SECTION 2; IC 13-11-2-116*

*Effective July 1, 1999*

- “Land application operation”, for purposes of IC 13-19-3, is defined as an operation in which sludge, waste products, or wastewater generated by industrial, municipal, or semipublic facilities are disposed of by application upon or incorporation into the soil. The term does not include the operation of a landfill or an open dump.

*SEA 495, SECTION 5; Noncode*

*Effective July 1, 1999*

*Expires January 2, 2000*

- IDEM must develop a task force that includes individuals knowledgeable about the foundry industry, individuals knowledgeable in proposed uses of foundry sand, and other interested parties to develop guidance for IDEM before January 1, 2000:
  - 1) to implement allowing foundry sand in land application operations and as a soil amendment; and
  - 2) to develop appropriate procedures for foundry sand characterization that address generator knowledge and testing requirements.

## **WASHINGTON COUNTY LANDFILL / KARST TERRAIN**

*SEA 392, SECTION 1; Noncode*

*Effective May 7, 1999*

*Expires January 1, 2008*

- During 1999 and 2000, the Washington County landfill must conduct appropriate tests to determine groundwater flow direction for the purpose of determining appropriate groundwater monitoring locations. These tests must include the use of dyes and must be jointly approved by IDEM and the Washington County Solid Waste Management District Board.
- Washington County may continue to operate the landfill through November 1, 2002, in the landfill footprint existing on April 15, 1999, and must operate the landfill in compliance with all applicable permit conditions and rules relative to landfill operations, except for rule provisions associated with karst terrain.
- The Washington County landfill may not be operated after November 1, 2002, if the landfill does not comply with the following provisions of 40 CFR 258:
  - 1) The western slope of the landfill footprint as it exists on April 15, 1999, must be incorporated into a new Subtitle D landfill cell with a synthetic liner installed on the lower portion of the western slope.
  - 2) The new Subtitle D landfill cell must be located in part of the western unfilled area as provided in the original landfill permit issued January 5, 1988.
  - 3) All areas of the landfill footprint as it exists on April 15, 1999, that are not incorporated

into the new Subtitle D landfill cell must be closed by October 15, 2002, under the requirements of 329 IAC 10-22-7(b).

- 4) The proper authority of the county where the landfill is located must employ a qualified independent consultant to determine whether the new Subtitle D landfill cell will be negatively impacted by the geology at the landfill site.

### **HAZARDOUS WASTE MANIFEST PROGRAM**

*HEA 1578, SECTION 9; Noncode*

*Effective May 13, 1999*

*Expires January 1, 2000*

- The Environmental Quality Service Council must review the hazardous waste manifest program and make any legislative recommendations, if appropriate.

### **LANDFILL DISPOSAL FEES IN ST. JOSEPH COUNTY**

*HEA 1136, SECTION 6; IC 13-20-23*

*Effective July 1, 1999*

*(Note that this enrolled act was vetoed by the Governor in 1998 and overridden by the legislature in 1999.)*

- Three townships in St. Joseph County are entitled to receive a specified percentage (either 6% or 8%) of the municipal solid waste disposal fees, under a host agreement with a landfill in St. Joseph County, to be used to provide fire services within the township.

*HEA 1136, SECTION 2; IC 13-11-2-57.1*

*Effective July 1, 1999*

- A definition for “disposal fee” is added.

*HEA 1136, SECTION 3; IC 13-11-2-102.6*

*Effective July 1, 1999*

- A definition for “host agreement” is added that would allow payment of a percentage of the landfill disposal fee to St. Joseph County in exchange for the county’s permission to construct or operate a landfill.

### **WASTEWATER MANAGEMENT**

*SEA 502, SECTION 1; IC 13-18-12-2*

*SEA 502, SECTION 2; IC 13-18-12-4*

*Effective April 19, 1999*

- The length of time that IDEM may issue new and renewal wastewater management permits, wastewater management vehicle licenses, and wastewater land application site approvals is extended from a period not to exceed 1 year to a period not to exceed 3 years.

*SEA 502, SECTION 3; IC 13-18-12-6.5*

*Effective April 19, 1999*

- IDEM is given the authority to revoke or modify a wastewater management permit, wastewater management vehicle license, and wastewater land application site approval.

## **AGRICULTURAL NONCONFORMING USE**

*HEA 1638, SECTION 2; IC 36-7-4-616*

*HEA 1638, SECTION 3; IC 36-7-11.1-13.1 (Marion County)*

*Effective July 1, 1999*

- A county, a municipality, or the state is not prohibited from requiring an agricultural nonconforming use to be maintained and operated in compliance with all:
  - 1) state environmental and state health laws and rules; and
  - 2) requirements to which conforming agricultural use land is subject under the county's comprehensive plan or zoning ordinance.
- The definition of “nonconforming use land” is removed.
- “Agricultural use” is defined.
- “Agricultural nonconforming use” means the agricultural use of land that is not permitted under the most recent comprehensive plan or zoning ordinance, including any amendments, for the area where the land is located.
- An agricultural use of land that constitutes an agricultural nonconforming use may be changed to another agricultural use of land without losing agricultural nonconforming use status.
- A county or municipality may not, through the county or municipality's zoning authority, do any of the following:
  - 1) Terminate an agricultural nonconforming use if the agricultural nonconforming use has been maintained for at least any 3 year period in a 5 year period.
  - 2) Restrict an agricultural nonconforming use.
  - 3) Require any of the following for the agricultural nonconforming use of the land:
    - A) A variance for the land.
    - B) A special exception for the land.
    - C) A special use for the land.
    - D) A contingent use for the land.
    - E) A conditional use for the land.

## **WATER PROGRAM:**

### **PERMIT ACCOUNTABILITY TIME FRAMES FOR MINOR NEW NPDES GENERAL PERMITS, WASTEWATER FACILITY CONSTRUCTION PERMITS, AND WATER FACILITY CONSTRUCTION PERMITS**

*HEA 1919, SECTION 4; IC 13-15-4-1*

*Effective July 1, 1999*

- “General” minor new NPDES permits are separated-out from “individual” permits. The number of days IDEM has to issue a permit decision on a minor new NPDES general permit is reduced from 180 days to 150 days. The permit issuance time frame for a minor new NPDES individual permit remains at 180 days.
- The number of days IDEM has to issue a permit decision for a wastewater facility or water facility construction permit is reduced from 120 days to 90 days.

### **PUBLIC WATER SYSTEMS**

#### **Definition of “Public Water System”**

*HEA 1687, SECTION 1; IC 13-11-2-177.3*

*(Note: SEA 551, SECTION 8 amended IC 13-11-2-177.3, then HEA 1687 amended the SEA 551 version.)*

*Effective July 1, 1999*

- *Please note that a technical error occurred in HEA 1687 when the printer failed to incorporate the technical correction to acknowledge and reconcile the SEA 551 version of the definition. This technical error will be reconciled in the technical corrections bill in the 2000 legislature. The correct definition for “public water system” is as follows:*

*“Public water system”, for purposes of this chapter and IC 13-18-21, has the meaning set forth in 42 U.S.C. 300f.*

*This term is redefined in order to comply with the broadened federal definition found in 42 U.S.C. 300f, which includes systems that provide water for human consumption delivered by constructed conveyances, rather than only piped water systems.*

*HEA 1687, SECTION 2; IC 13-11-2-263*

*Effective July 1, 1999*

- The definition of “water supply system” is redefined to include constructed conveyances.

### **Public Water Systems Eligible to Receive Loans and Other Financial Assistance from the Drinking Water Revolving Loan Fund**

*SEA 551, SECTION 4; IC 13-11-2-83*

*SEA 551, SECTION 11; IC 13-18-21-2*

*SEA 551, SECTION 12; IC 13-18-21-3*

*SEA 551, SECTION 13; IC 13-18-21-6*

*SEA 551, SECTION 14; IC 13-18-21-8*

*SEA 551, SECTION 15; IC 13-18-21-9*

*SEA 551, SECTION 16; IC 13-18-21-10*

*SEA 551, SECTION 17; IC 13-18-21-12*

*SEA 551, SECTION 18; IC 13-18-21-13*

*SEA 551, SECTION 19; IC 13-18-21-14*

*SEA 551, SECTION 20; IC 13-18-21-15*

*SEA 551, SECTION 21; IC 13-18-21-16*

*SEA 551, SECTION 22; IC 13-18-21-17*

*SEA 551, SECTION 23; IC 13-18-21-20*

SEA 551, SECTION 25; IC 13-18-21-22

SEA 551, SECTION 26; IC 13-18-21-23

SEA 551, SECTION 28; IC 13-18-21-25

SEA 551, SECTION 30; IC 13-18-21-27

SEA 551, SECTION 32; IC 13-18-21-29

Effective July 1, 1999

- A public water system is now also eligible to receive loans and other financial assistance from the Drinking Water Revolving Loan Fund.

SEA 551, SECTION 6; IC 13-11-2-151.1

Effective July 1, 1999

- “Participant”, for purposes of the Drinking Water Revolving Loan Fund, is defined as:
  - 1) a political subdivision; or
  - 2) any other owner or operator of a public water system.

### **Public Water Systems Eligible for Financial Assistance from the Indiana Bond Bank**

SEA 551, SECTION 1; IC 5-1.5-1-8

SEA 551, SECTION 2; IC 5-1.5-4-1

SEA 551, SECTION 3; IC 5-1.5-4-4

Effective July 1, 1999

- A public water system, in addition to a political subdivision, is now a qualified entity for financial assistance from the Indiana Bond Bank.

### **SUPPLEMENTAL DRINKING WATER AND WASTEWATER ASSISTANCE PROGRAM AND FUND**

SEA 551, SECTION 5; IC 13-11-2-87

SEA 551, SECTION 7; IC 13-11-2-172

SEA 551, SECTION 9; IC 13-11-2-226

SEA 551, SECTION 10; IC 13-11-2-227

SEA 551, SECTION 24; IC 13-18-21-21

SEA 551, SECTION 25; IC 13-18-21-22

SEA 551, SECTION 27; IC 13-18-21-24

SEA 551, SECTION 28; IC 13-18-21-25

SEA 551, SECTION 31; IC 13-18-21-28

Effective July 1, 1999

- The Supplemental Wastewater Assistance Program and Fund is combined with the Supplemental Drinking Water Assistance Program and Fund to be called the Supplemental Drinking Water and Wastewater Assistance Program and Fund.

SEA 551, SECTION 33; Noncode

Effective July 1, 1999

- The provisions concerning the Supplemental Wastewater Assistance Program and Fund (IC 13-18-13-21 through IC 13-18-13-29) are repealed.

SEA 551, SECTION 34; Noncode

Effective July 1, 1999

- On July 1, 1999, the Treasurer of State shall transfer the balance remaining in the Supplemental Wastewater Assistance Fund on June 30, 1999, to the Supplemental Drinking Water and Wastewater Assistance Fund.
- On July 1, 1999, all liabilities of the Supplemental Wastewater Assistance Fund become

## liabilities of the Supplemental Drinking Water and Wastewater Assistance Fund.

*SEA 551, SECTION 25; IC 13-18-21-22*

*SEA 551, SECTION 26; IC 13-18-21-23*

*SEA 551, SECTION 28; IC 13-18-21-25*

*SEA 551, SECTION 32; IC 13-18-21-29*

*Effective July 1, 1999*

- Money from the Supplemental Drinking Water and Wastewater Assistance Fund is no longer specified for the benefit of political subdivisions or public water systems that serve economically disadvantaged municipalities.
- Changes to how money in the supplemental fund is to be used are specified.

*SEA 551, SECTION 29; IC 13-18-21-26*

*Effective July 1, 1999*

- An approving opinion of a nationally recognized bond counsel is no longer required to be submitted in order to receive a loan or other financial assistance from the Supplemental Drinking Water and Wastewater Assistance Fund, unless required by the State Budget Agency.

## **NPDES CONSTRUCTION PERMITS**

*SEA 63, SECTION 1; IC 13-11-2-108*

*Effective April 29, 1999*

- The definition of “industrial permit” is modified to mean a National Pollutant Discharge Elimination System (NPDES) permit other than a permit issued to any of the following:
  - 1) a municipal facility;
  - 2) a state facility;
  - 3) a federal facility;
  - 4) a semipublic facility;
  - 5) a public water supply facility; or
  - 6) a facility for storm water discharge.

*SEA 63, SECTION 2; IC 13-14-8-11.6*

*Effective April 29, 1999*

- A discharger is not required to obtain a state permit for the modification or construction of a water pollution treatment or control facility if the discharger has an effective:
  - 1) NPDES industrial permit for direct discharges to surface water; or
  - 2) industrial waste pretreatment permit not issued by IDEM for discharges to a publicly owned treatment works.
- If a modification is for the treatment or control of any new influent pollutant or increased levels of any existing pollutant, within 30 days after commencement of operation, the discharger must file with IDEM a notice of installation for the additional pollutant control equipment and a design summary of any modifications.
- The Water Pollution Control Board must adopt a general permit rule for the approval of sanitary collection system plans, lift station plans, and force main plans.

## **GROUNDWATER QUALITY STANDARDS**

*SEA 83, SECTION 1; IC 13-18-17-5*

*Effective May 7, 1999*

- The provision that requires the Water Pollution Control Board to adopt rules that establish groundwater quality standards is amended to require that the groundwater quality standards include numeric and narrative criteria, a groundwater classification plan, and a method of determining where the groundwater quality standards must apply.
- “Selecting targets for groundwater cleanups” has been removed as a purpose of the groundwater quality standards.
- IDEM, DNR, the State Department of Health, the Office of the State Chemist, and the Office of the State Fire Marshal must adopt rules to apply the groundwater quality standards to activities regulated by these agencies.

## **STORM WATER RUNOFF FROM DEVELOPED REAL PROPERTY**

*SEA 83, SECTION 2; IC 36-9-28.5*

*Effective July 1, 1999*

- By January 1, 2001, the legislative body of a unit (*county, municipality, township*) must establish a policy, by ordinance or resolution, for the management of storm water runoff from developed real property located in the unit. The policy may, but is not required to, provide for the actual management of storm water runoff from developed real property. The geographic scope for a unit’s policy is specified.

## **STORM WATER RUNOFF AND CONSTRUCTION ACTIVITY**

*SEA 634; SECTION 1; IC 13-18-3-13*

*Effective May 5, 1999*

- If a violation of the rules on storm water runoff associated with construction activity (327 IAC 15-5) occurs, IDEM must determine which person is responsible for committing the violation.
- In determining which person is responsible for committing the violation of 327 IAC 15-5, if appropriate, IDEM must consider:
  - 1) public records of ownership;
  - 2) building permits issued by local units of government; or
  - 3) other relevant information.
- IDEM’s determination to proceed against a person responsible for committing a violation of 327 IAC 15-5 must be based on the specific facts and circumstances related to a particular violation.

*SEA 634; SECTION 2; Noncode*

*Effective May 5, 1999*

*Expires February 1, 2000*

- The Water Pollution Control Board is required to amend 327 IAC 15-5 before February 1, 2000 to reflect the requirements in IC 13-18-3-13.

## **NONPROFIT WATER UTILITY AS A WATER AUTHORITY**

*HEA 1687, SECTION 3; IC 13-18-16-16*

*Effective January 1, 1999 (retroactive)*

- In addition to a water authority reconstituted from a nonprofit water utility retaining all of its powers, it also retains privileges, rights, and exemptions as a nonprofit water utility, including



eminent domain.

- A water authority reconstituted from a nonprofit water utility is subject only to the laws applicable to nonprofit water utilities and local water corporations.
- A water authority reconstituted from a nonprofit water utility is subject to the provisions of IC 8-1.5-3-8 for purposes of setting rates and charges.

### **PLANS FOR SANITARY SEWER EXTENSIONS PREPARED BY LAND SURVEYORS**

SEA 32, SECTION 1; IC 13-18-3-12

Effective July 1, 1999

- Plans are not required to be submitted to any state agency for a permit, permission, or review (unless required by federal law) whenever a person submits plans to a unit (*county, municipality, township*) concerning the design or construction of a sanitary sewer extension for and within a subdivision, if:
  - 1) a qualified land surveyor prepared the plans;
  - 2) the subdivision is being laid out or having been laid out by a certified land surveyor;
  - 3) the unit provided for review of the plans by a qualified engineer and subsequently approved the plans; and
  - 4) all other requirements specified in rules adopted by the Water Pollution Control Board are met.
- The Water Pollution Control Board is required to adopt rules to allow for this provision.

### **REPLACEMENT OF DOMESTIC WATER SUPPLIES FROM COAL MINING ACTIVITIES**

HEA 1568, SECTION 1; IC 14-34-6-15

Effective July 1, 1999

- Money in the Post-1977 Abandoned Mine Reclamation Fund can now be used to replace domestic water supplies that are disrupted or affected by a surface coal mining and reclamation operation, including the disposal of coal combustion waste, where the surface coal mine and reclamation operation has been completed. (*It had been the responsibility of the coal operator to replace water supplies that are disrupted or contaminated.*)

### **SEPTIC SYSTEMS IN KOSCIUSKO COUNTY**

SEA 76, SECTION 1; IC 16-41-25-1

Effective May 7, 1999

- The adoption of a rule by the State Department of Health concerning the installation of residential septic systems in fill soil, may not prohibit the installation of a residential septic system in fill soil on a plat if:
  - 1) before the effective date of the rule, the plat of the affected lot was recorded;
  - 2) there is not an available sewer line within 750 feet of the property line of the affected lot; and
  - 3) the local health department determines that the soil, although fill soil, is suitable for the installation of a residential septic system.

This provision applies to Kosciusko County only.

## **CLEAN WATER INDIANA PROGRAM AND FUND**

*SEA 625, SECTION 4; IC 14-32-8*

*Effective July 1, 1999*

- The Clean Water Indiana Program and Fund are established to provide financial assistance to land occupiers and conservation groups to implement conservation practices to reduce nonpoint sources of water pollution through education, technical assistance, training, and cost sharing programs. DNR's Division of Soil Conservation must administer the program and fund. Money in the fund can be used for the following:
  - 1) To increase soil and water conservation district technical assistance in local conservation efforts.
  - 2) To assist land occupiers in complying with environmental laws.
  - 3) To qualify for federal matching funds for county soil survey computerization.
  - 4) To provide for cost sharing programs to encourage land occupiers to implement conservation practices to reduce nutrient, pesticide, and sediment runoff and to implement nutrient management programs.
  - 5) To provide matching grants to districts for professional watershed coordinators and soil and water conservation district managers.
  - 6) To provide for capacity building specialists, education specialists, and urban storm water specialists.
  - 7) To pay the soil and water conservation districts \$1 for every \$1 the district receives from a political subdivision.

## **FLOOD PLAINS AND FLOODWAY REGULATIONS**

*House Resolution (HR) 25; Adopted March 11, 1999*

*(Note that a resolution does not have the effect of law. It is used to express the sentiment of the Indiana House of Representatives.)*

- The Legislative Council is urged to assign to the Natural Resources Study Committee the task of studying flood plains and floodway regulations with respect to construction in Indiana.
- If the Natural Resources Study Committee is assigned the task, then they are to prepare a final report regarding its findings before November 30, 1999.

## **AMERICAN HERITAGE RIVERS DESIGNATION**

*House Resolution (HR) 119; Adopted April 29, 1999*

*(Note that a resolution does not have the effect of law. It is used to express the sentiment of the Indiana House of Representatives.)*

- The members of the Indiana House of Representatives request that no rivers in Indiana be designated as Heritage Rivers under the federal American Heritage Rivers Initiative. The designation of rivers for the program and the selection of the River Navigator, who would coordinate the efforts of 13 federal agencies that would advise local communities on river restoration projects, exclude any local input. The program is not needed because communities are working to revitalize their waterfronts and enhance their rivers.

## Table of 1999 Legislation that Affects IDEM (by Enrolled Act Number)

Enrolled Act No.	Subject(s)	Synopsis	Effective Date
SEA 1	Public Access Counselor and Complaint Procedure	The Office of the Public Access Counselor is established to respond to inquiries and complaints made by the public and public agencies concerning the public access laws. <i>(Language is identical to HEA 1002.)</i>	7/1/99
SEA 6	Household Hazardous Waste Grant Program	Conditionally exempt small quantity generator waste is added to the Household Hazardous Waste Grant Program. The amount of money available from the Hazardous Substances Response Trust Fund for HHW grants is increased to not more than \$450,000 each year.	7/1/99
SEA 32	Plans for Sanitary Sewer Extensions Prepared by Land Surveyors	Plans are not required to be submitted to any state agency for a permit, permission, or review whenever a person submits plans to a unit concerning the design or construction of a sanitary sewer extension for and within a subdivision, if specified conditions are met.	7/1/99 & 1/1/00
SEA 40	Technical Corrections	Seven technical corrections were made that affect IDEM.	3/2/99
SEA 63	NPDES Construction Permits	A discharger is not required to obtain a state permit for the modification or construction of a water pollution treatment or control facility if the discharger has an effective: 1) NPDES industrial permit for direct discharges to surface water; or 2) industrial waste pretreatment permit not issued by IDEM for discharges to a publicly owned treatment works. The discharger must file with IDEM a notice of installation, within 30 days after commencement of operation, for the additional pollutant control equipment and a design summary of any modifications.	4/29/99
SEA 66	Underground Storage Tank Grant Program	Owners or operators that closed or removed an underground storage tank after December 31, 1997 and before July 1, 1998 are eligible to receive a grant from the Underground Storage Tank Grant Program.	5/3/99

SEA 66 (continued)	Underground Storage Tank Civil Penalties	<p>A person is not subject to the civil penalty of not more than \$10,000 per underground storage tank for each day of violation if:</p> <ol style="list-style-type: none"> <li>1) the violation arose from an underground storage tank that is on a brownfield;</li> <li>2) the person was not the owner or operator of the underground storage tank when the violation first occurred;</li> <li>3) the person does not dispense a regulated substance into or from the underground tank for any purpose other than temporary or permanent closure or in violation of any federal, state, or local regulations; and</li> <li>4) the underground storage tank is brought into compliance not later than one year after the person acquired ownership of the property.</li> </ol> <p><i>(Language is identical to HEA 1909.)</i></p>	5/3/99
SEA 76	Septic Systems in Kosciusko County	<p>The adoption of a rule by the State Dept. of Health concerning the installation of residential septic systems in fill soil, may not prohibit the installation of a residential septic system in fill soil on a plat if:</p> <ol style="list-style-type: none"> <li>1) before the effective date of the rule, the plat of the affected lot was recorded;</li> <li>2) there is not an available sewer line within 750 feet of the property line of the affected lot; and</li> <li>3) the local health department determines that the soil, although fill soil, is suitable for the installation of a residential septic system.</li> </ol> <p>This provision applies to Kosciusko County only.</p>	5/7/99
SEA 83	Groundwater Quality Standards	The provision that requires the Water Pollution Control Board to adopt rules that establish groundwater quality standards is amended to require that the groundwater quality standards include numeric and narrative criteria, a groundwater classification plan, and a method of determining where the groundwater quality standards must apply.	5/7/99
	Storm Water Runoff From Developed Real Property	By January 1, 2001, the legislative body of a unit must establish a policy, by ordinance or resolution, for the management of storm water runoff from developed real property located in the unit.	7/1/99
SEA 154	Transportation of High-Level Radioactive Waste	Before a person may transport high-level radioactive waste in Indiana, the person must submit a notice and a transportation fee of \$1,000 for each total shipment of nuclear waste to the director of SEMA.	7/1/99
SEA 204	Internet Notice of State Meetings and Bid Lists	In addition to publishing a notice in public newspapers of a public meeting or invitation for bids, a state agency must also provide electronic access to a notice through the Internet.	7/1/99
SEA 206	Locate State Government Offices in Downtown Areas	DOA must establish a policy to encourage state agencies to locate leased and state constructed facilities in downtown areas (includes brownfield revitalization zones).	7/1/99
SEA 272	Northwest IN Transportation Study Commission	The commission must evaluate the needs of high speed rail service in and through the state.	7/1/99

SEA 392	Washington County Landfill / Karst Terrain	The Washington County landfill must conduct tests to determine groundwater flow direction for purposes of determining appropriate groundwater monitoring locations. The landfill may continue to operate through November 1, 2002 under certain conditions. The landfill may not be operated after November 1, 2002 if the landfill does not comply with specified provisions.	5/7/99
SEA 397	IDEM Nonrule Policy Documents	An IDEM nonrule policy document may not be put into effect until 30 days after it is made available for public inspection and comment and presented to the appropriate board.	7/1/99
SEA 429	Recycled Materials Purchase Preference	Former recycled material purchasing preference specifications for purchasing supplies are removed and replaced with the requirement that the amount of the price preference and the recycled materials' composition of the supplies must be set by rules adopted by the governmental body, policies established by the purchasing agency, or the solicitation. The preference must be set to maximize the use of recycled materials when economically practical. The price preference may not be less than 10% or exceed 15%.	7/1/99
SEA 495	Foundry Sand	IDEM and the boards must allow a person to use foundry sand in accordance with guidance, without requiring the person to obtain any permits from IDEM, if the foundry sand meets Type III criteria under 329 IAC 10-9 and is for use in a land application operation or as a soil amendment if the application or amendment does not include the operation of a landfill. IDEM must develop a task force to develop guidance for IDEM before January 1, 2000.	7/1/99
	Inspections	IDEM must review and consider any information presented by the property owner in response to an oral report, a written summary, or questions raised during the inspection visit. IDEM must append any written information to the inspection report and include the written information in the public file.	7/1/99
SEA 502	Wastewater Management	The length of time that IDEM may issue new and renewal wastewater management permits, wastewater management vehicle licenses, and wastewater land application site approvals is extended from a period not to exceed 1 year to a period not to exceed 3 years. IDEM is given the authority to revoke or modify a wastewater management permit, wastewater management vehicle license, and wastewater land application site approval.	4/19/99
SEA 533	Licensure of Professional Geologists	The program for professional geologists is changed from a certification program to a licensure program. Employees of state government continue to be exempt from the requirements of licensure, as they were for certification, while engaging in providing geological services for the employee's employer. A certified soil scientist is also exempt from the requirements of licensure for professional geologists.	7/1/99
SEA 551	Public Water Systems	The definition of "public water system" is redefined ( <i>refer to HEA 1687</i> ). Public water systems are eligible to receive loans and other financial assistance from the Drinking Water Revolving Loan Fund. Public water systems are eligible for financial assistance from the IN Bond Bank.	7/1/99

SEA 551 (continued)	Supplemental Drinking Water and Wastewater Assistance Program and Fund	The Supplemental Wastewater Assistance Program and Fund is combined with the Supplemental Drinking Water Assistance Program and Fund to be called the Supplemental Drinking Water and Wastewater Assistance Program and Fund. Money from the Supplemental Drinking Water and Wastewater Assistance Fund is no longer specified for the benefit of political subdivisions or public water systems that serve economically disadvantaged municipalities.	7/1/99
SEA 625	Clean Water IN Program and Fund	The Clean Water Indiana Program and Fund are established to provide financial assistance to land occupiers and conservation groups to implement conservation practices to reduce nonpoint sources of water pollution through education, technical assistance, training, and cost sharing programs.	7/1/99
SEA 634	Storm Water Runoff and Construction Activity	If a violation of the rules on storm water runoff associated with construction activity (327 IAC 15-5) occurs, IDEM must determine which person is responsible for committing the violation.	5/5/99
SEA 662	Indiana Land Resources Council	The Indiana Land Resources Council is established to collect information and provide educational assistance, technical assistance, and advice to local governments regarding land use strategies and issues across the state.	7/1/99
HEA 1001	State Budget	Appropriations from the state general fund and other specifically dedicated funds are made for each IDEM program for the next two state fiscal years. \$40,000,000 is appropriated to the Supplemental Drinking Water and Wastewater Assistance Fund from the Build Indiana Fund for local wastewater and drinking water grants and loans. The Indiana Bond Bank is given the authority to enter swap agreements for the Wastewater Revolving Loan Fund and the Drinking Water Revolving Loan Fund.	7/1/99
HEA 1002	Public Access Counselor and Complaint Procedure	The Office of the Public Access Counselor is established to respond to inquiries and complaints made by the public and public agencies concerning the public access laws. <i>(Language is identical to SEA 1.)</i>	7/1/99
HEA 1136	Landfill Disposal Fees in St. Joseph County	Three townships in St. Joseph County are entitled to receive a percentage of the municipal solid waste disposal fees to be used to provide fire services within the township.	7/1/99
HEA 1163	IN Institute on Recycling	The termination date of the Indiana Institute on Recycling is extended from June 30, 1999 to June 30, 2001. IC 36-9-30-36, the provision that requires local units of government that provide solid waste collection or disposal services to submit a full cost accounting of solid waste collection and disposal to the Indiana Institute on Recycling by March 1 of each year is repealed.	4/23/99 & 7/1/99
HEA 1318	Lake County Regional Transportation Authority	The membership of the Lake County Regional Transportation Authority is expanded from 12 members to 16 members. The board of the authority is required to establish a citizens advisory council with 11 members.	5/3/99

HEA 1544	Environmental Lien on Tippecanoe County Landfill	The special taxing district in Tippecanoe County is given the authority to impose a lien on the site of the Tippecanoe County Landfill in order to recover the costs incurred by Tippecanoe County taxpayers for the cleanup of the landfill.	1/1/99 (retroactive)
HEA 1561	Air Emissions Reduction Credit Program	The EQSC must conduct a study to advise IDEM concerning the feasibility of establishing an air emissions reduction credit program that provides economic incentives to achieve air quality goals and objectives in Indiana.	4/23/99
HEA 1568	Replacement of Domestic Water Supplies from Coal Mining Activities	Money in the Post-1977 Abandoned Mine Reclamation Fund can now be used to replace domestic water supplies that are disrupted or affected by a surface coal mining and reclamation operation, including the disposal of coal combustion waste, where the surface coal mine and reclamation operation has been completed.	7/1/99
HEA 1578	Underground Petroleum Storage Tank Fee	The annual registration fee for each underground petroleum storage tank is reduced from \$290 to \$90 for each tank.	5/13/99
	Underground Storage Tank Corrective Action Liability for Operators	A person who is not an owner or operator of an underground storage tank is liable to the state only for corrective action to address a surface spill or overfill of a regulated substance from the underground storage tank that is intentionally caused by the person during the delivery of the regulated substance into the underground storage tank.	1/1/99 (retroactive) & 5/13/99
	IDEM Dedicated Funds	IDEM and the EQSC must conduct a study to evaluate different approaches for determining the allocation of costs of all department-wide services that support the funds under IC 13 that provide a source of money for a specified purpose.	5/13/99
	Hazardous Waste Manifest Program	The EQSC must review the hazardous waste manifest program and make any legislative recommendations, if appropriate.	5/13/99
HEA 1638	Agriculture Nonconforming Use	A county, a municipality, or the state is not prohibited from requiring an agricultural nonconforming use to be maintained and operated in compliance with all: 1) state environmental and state health laws and rules; and 2) requirements to which conforming agricultural use land is subject under the county's comprehensive plan or zoning ordinance.	7/1/99
HEA 1687	Definition of "Public Water System"	"Public water system" is broadened to include systems that provide water for human consumption delivered by constructed conveyances, rather than only piped water systems.	7/1/99
	Nonprofit Water Utility as a Water Authority	In addition to water authority reconstituted from a nonprofit water utility retaining all of its powers, it also retains privileges, rights, and exemptions as a nonprofit water utility, including eminent domain.	1/1/99 (retroactive)

HEA 1725	Lead-Based Paint Activity Fees	A state, a municipal corporation, or a unit ( <i>county, municipality, township</i> ) seeking an individual lead-based paint activities license is not required to pay the fee of \$150. A state, a municipal corporation, a unit, or a tax exempt organization, seeking approval of a lead-based paint activities training course as a lead-based paint activities training program provider, is not required to pay the fee of \$1,000.	5/3/99
HEA 1909	Underground Storage Tank Civil Penalties	A person is not subject to the civil penalty of not more than \$10,000 per underground storage tank for each day of violation if: 1) the violation arose from an underground storage tank that is on a brownfield; 2) the person was not the owner or operator of the underground storage tank when the violation first occurred; 3) the person does not dispense a regulated substance into or from the underground tank for any purpose other than temporary or permanent closure or in violation of any federal, state, or local regulations; and 4) the underground storage tank is brought into compliance not later than one year after the person acquired ownership of the property. <i>(Language is identical to SEA 66.)</i>	7/1/99
	Brownfields	Includes various brownfield matters concerning grants, forgivable loans, approving opinion of a nationally recognized bond counsel, contribution to a contaminant, personal property tax deduction, resolutions, and legalization and voiding of certain brownfield revitalization zones.	7/1/97 (retroactive), 5/3/99, & 7/1/199
HEA 1919	Permit Accountability Time Frames	The number of days IDEM has to issue a permit decision on has been reduced as follows: - Minor New NPDES General Permit-- from 180 days to 150 days - Wastewater Facility or Water Facility Construction Permit-- from 120 days to 90 days - Certification of a Special Waste-- from 60 days to 50 days The EQSC is directed to review the permit accountability time frames outlined in IC 13-15-4-1 and 326 IAC 2-5-2 and make legislative recommendations.	7/1/99
	Special Waste	A person may not be required to have special waste certified for disposal if the special waste is disposed of at a solid waste landfill cell or unit that meets or exceeds Subtitle D design standards and the disposal complies with the notification requirements in IC 13-20-7-7. Notification requirements are also included.	5/13/99



HEA 1919 (continued)	IDEM Water, Solid Waste, and Hazardous Waste Permit Fees	Before billing a person, the commissioner is required to review the amount of money in the Environmental Management Permit Operation Fund. If the balance of the fund exceeds \$2,500,000 collected from NPDES fees under IC 13-18-20, exceeds \$2,500,000 collected from solid waste fees under IC 13-20-21, or exceeds \$2,500,000 collected from hazardous waste fees under IC 13-22-12 (once obligated expenditures are subtracted from the balance of each), then the commissioner must adjust the annual fee schedule to bill an amount, in the aggregate, equivalent to the fee schedule amount, less the excess over \$2,500,000.	7/1/99
	Air Permits	A person may file an appeal of the commissioner's action in issuing an initial permit under the operating permit program under 42 U.S.C. 7661 through 7661f not later than 30 days ( <i>rather than 15 days</i> ) after the date the person received the notice for a permit issued after April 30, 1999. IDEM must develop written policies and procedures to address changes in estimated air pollution emissions from existing sources (a source in the reinforced plastic composites fabricating industry that emits styrene) and publish a nonrule policy document describing the policies and procedures that IDEM will use to make determinations on air construction and operating permits for these types of existing sources. The Air Pollution Control Board must adopt rules to establish appropriate standards for control of air pollution from new and existing sources in the reinforced plastic composites fabricating industry.	5/1/99 (retroactive) & 5/13/99
	Environmental Audit Reports	The voluntary environmental audit privilege does not apply to criminal investigations or proceedings. IDEM must propose an enforcement policy that provides relief from civil penalties for a voluntary disclosure that results from an internal environmental audit.	5/13/99
	RISC	The remediation and closure goals, objectives, and standards for hazardous waste management and underground storage tank activities must be consistent with the remediation objectives set forth in IC 13-25-5-8.5. The groundwater quality standards adopted under IC 13-18-17-5 must allow groundwater remediations to be consistent with the remediation objectives set forth in IC 13-25-5-8.5. The EQSC must submit a recommendation regarding a transition period to allow a person perform an investigation, remediation, or closure based on IDEM's published RISC guidance document, or based on the rules, policies, and guidance documents in effect before the publication of the RISC guidance document.	5/13/99 & 7/1/99
	IDEM Rule Fiscal Impacts	IDEM must publish, in the Indiana Register, the LSA fiscal analysis of a proposed rule if the proposed rule has an estimated economic impact on regulated entities that is greater than \$500,000. IDEM must include the full text of an LSA fiscal analysis for rules with an estimated economic impact on regulated entities that is greater than \$500,000 in the written materials to be considered at the board meetings where the rule is presented for preliminarily and final adoption.	7/1/99
HEA 2021	Motor Vehicle Inspection Stations	IC 13-17-5-5.1 replaces the language in the expired and repealed IC 13-17-5-5 concerning motor vehicle inspection stations.	6/30/98 (retroactive) & 5/13/99

<b>Resolution No.</b>	<b>Subject(s)</b>	<b>Synopsis</b>	<b>Effective Date</b>
HCR 115	Alternative Fuels and Alternative Fueled Vehicles	The Legislative Council is urged to direct the EQSC to study the air quality and benefits to air quality associated with alternative fuels and alternative fueled vehicles as they relate to the reduction of mobile source emissions.	Referred to the Legislative Council
HR 1	Steel Imports	The IGA urges the President of the U.S. to impose a one year ban on the imports of all steel products from Asia, Russia, and other regions if international trade agreements are being violated.	11/17/98
HR 25	Flood Plains and Floodway Regulations	The Legislative Council is urged to assign to the Natural Resources Study Committee the task of studying flood plains and floodway regulations with respect to construction in IN.	3/11/99
HR 29	SIP Call Rule	The IN House of Representatives opposes implementation of U.S EPA's No <sub>x</sub> SIP call rule as promulgated in October 1998. They support the alternative, more cost-effective emission reduction plan proposed by IN to U.S. EPA in June 1998, that would minimize the long-distance interstate transport of ozone and precursor emissions to insignificant levels, using cost-effective emission controls, and would enable IN and adjacent states to comply with the 1-hour ozone standard.	4/29/99
HR 110	Ground Level Ozone Formation	The EQSC is urged to undertake the task of determining, for IN, the framework for the best national, state and regional strategy for controlling ground level ozone formation.	4/27/99
HR 119	American Heritage Rivers Designation	The members of the Indiana House of Representatives request that no rivers in Indiana be designated as Heritage Rivers under the federal American Heritage Rivers Initiative.	4/29/99
SCR 19	Steel Imports	The IGA urges the President of the U.S. to impose a one year ban on the imports of all steel products from Asia, Russia, and other regions if international trade agreements are being violated.	3/2/99

# OUTLINE OF TECHNICAL CORRECTIONS IN SEA 40 THAT AFFECT IDEM

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*Note: All of the following technical corrections are effective March 2, 1999.*

## **Air Program:**

- **Open Burning of Wood and Vegetation**

*SECTION 35; IC 13-17-9-1*

Replaces “volunteer fire company” with “volunteer fire department”.

## **Hazardous Waste and Solid Waste Programs:**

- **Gross Income Tax Deductions for Solid Waste or Hazardous Waste Resource Recovery Systems**

*SECTION 15; IC 6-2.1-4-3*

Removes repeat usage of “IC”. (*Note that the Resource Recovery System property tax deduction program was phased-out with the 1997 assessment year.*)

## **Solid Waste Program:**

- **Revocation or Modification of Waste Tire Storage Site and Waste Tire Processing Operation Certificates**

*SECTION 36; IC 13-20-13-5.5*

Corrects format tabulation for clarity.

- **Waste Tire Management Fund**

*SECTION 37; IC 13-20-13-8*

Clarifies that money collected for civil penalties may be used for IDEM for waste tire removal and remediation projects, rather than being split between IDEM and DOC.

- **Revocation or Modification of Certificate of Registration of a Waste Tire Transporter**

*SECTION 38; IC 13-20-14-5.6*

Corrects format tabulation for clarity.

- **State Solid Waste Management Fund**

*SECTION 39; IC 13-20-22-12*

The word “section” is inserted to conform with LSA style.

- **Solid Waste Management Fee for Contiguous Governmental Units**

*SECTION 40; IC 13-20-22-14*

The word “section” is inserted to conform with LSA style.

# How To Properly Reference State Legislation

Most of the time, you will probably reference just the Indiana Code (IC) citation, for example *IC 13-18-13-30*, but sometimes you may want to indicate which enrolled act the provision came from and what year it was passed, especially for noncode provisions.

There are various ways you can properly reference an enrolled act:

- 1) You can use the Senate Enrolled Act (SEA) number or House Enrolled Act (HEA) number as long as you include the year it passed, for example:

**HEA 1919, passed in 1999**

You must include the year it passed because the enrolled act numbers are reused every year for different pieces of legislation.

- 2) You can use the public law (P.L.) number that corresponds with the enrolled act number, for example:

**P.L.224-1999**

The public law number already indicates the year the legislation passed so you do not need to repeat it.

- 3) You can use a combination of the enrolled act number and the public law number, for example:

**HEA 1919 (P.L.224-1999)**

*\* Remember: Once legislation becomes a law, it is **no longer referred to as a “bill”**. It becomes an HEA or SEA.*

**Table of Enrolled Act Numbers to Public Law Numbers for 1999**

Enrolled Act No:	Public Law No:		Enrolled Act No:	Public Law No:		Enrolled Act No:	Public Law No:
SEA 1	P.L.191-1999		SEA 397	P.L.261-1999		HEA 1318	P.L.90-1999
SEA 6	P.L.237-1999		SEA 429	P.L.153-1999		HEA 1544	P.L.60-1999
SEA 32	P.L.241-1999		SEA 495	P.L.30-1999		HEA 1561	P.L.61-1999
SEA 40	P.L.1-1999		SEA 502	P.L.31-1999		HEA 1568	P.L.63-1999
SEA 63	P.L.72-1999		SEA 533	P.L.17-1999		HEA 1578	P.L.212-1999
SEA 66	P.L.122-1999		SEA 551	P.L.132-1999		HEA 1638	P.L.106-1999
SEA 76	P.L.167-1999		SEA 625	P.L.160-1999		HEA 1687	P.L.220-1999
SEA 83	P.L.168-1999		SEA 634	P.L.161-1999		HEA 1725	P.L.111-1999
SEA 154	P.L.143-1999		SEA 662	P.L.175-1999		HEA 1909	P.L.119-1999
SEA 204	P.L.251-1999		HEA 1001	P.L.273-1999		HEA 1919	P.L.224-1999
SEA 206	P.L.252-1999		HEA 1002	P.L.70-1999		HEA 2021	P.L.229-1999
SEA 272	P.L.149-1999		HEA 1136	P.L.133-1998			
SEA 392	P.L.171-1999		HEA 1163	P.L.40-1999			

*\* Note that resolutions do not have public law numbers.*

# How to Find The Most Current Version Of A Law In The Indiana Code

## After the 1999 Legislative Session

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Now that the 1999 legislative session is over and new legislation has passed, we need to make sure we are using the most current version of a law.

**When Using the “Indiana Code” Books** (the red hard-covered books):

**Version #1 (to be used until the 1999 supplement to the Indiana Code is published):**

You will need to look in TWO places: the 1998 edition to the Indiana Code plus the 1999 enrolled acts.

- 1<sup>st</sup> Look up the citation of the law in the 1998 edition of the Indiana Code, for example *IC 13-18-1-2*.
- 2<sup>nd</sup> Look at the “1999 Legislative Summary for IDEM” to see if any enrolled acts were passed in the 1999 session that are related to the IC citation you are looking up. The versions in the 1999 enrolled acts supersede the 1998 edition.

**Version #2 (to be used after the 1999 supplement to the Indiana Code is published):**

You will need to look in TWO places-- the 1998 edition of the Indiana Code and the 1999 supplement to the Indiana Code. You will no longer need to look at the enrolled acts, except for noncode provisions.

- 1<sup>st</sup> Look up the citation of the law in the 1998 edition of the Indiana Code, for example *IC 13-18-2-1*.
- 2<sup>nd</sup> Look up the same citation in the 1999 supplement of the Indiana Code. If that citation is there, then the 1999 version supersedes the 1998 version. If that citation is not there, then nothing was passed in 1999 that amends that citation.

**Note:** The 1998 *edition* of the Indiana Code is a comprehensive collection of all laws from the 1998 legislative session and earlier. The 1999 *supplement* to the Indiana Code is a collection of new laws and amendments to existing laws from bills that were passed in the 1999 legislative session. The 1998 edition plus the 1999 supplement together make-up the current set of Indiana laws.

Noncode provisions (those with no IC citation) will not appear in the Indiana Code books but can be found in the enrolled acts, Indiana Acts, and Indiana Environmental Statutes book.

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**When Using the “Indiana Environmental Statutes” Books** (the soft-covered books published by IDEM):

**Version #1 (to be used until the 1999 edition is published):**

You will need to look in TWO places: the 1998 edition plus the 1999 enrolled acts.

- 1<sup>st</sup> Look up the citation of the law in the 1998 edition, for example *IC 13-18-1-2*.
- 2<sup>nd</sup> Look at the “1999 Legislative Summary for IDEM” to see if any enrolled acts were passed in the 1999 session that are related to the IC citation you are looking up. The versions in the 1999 enrolled acts supersede the 1998 edition.

**Version #2 (to be used after the 1999 edition is published):**

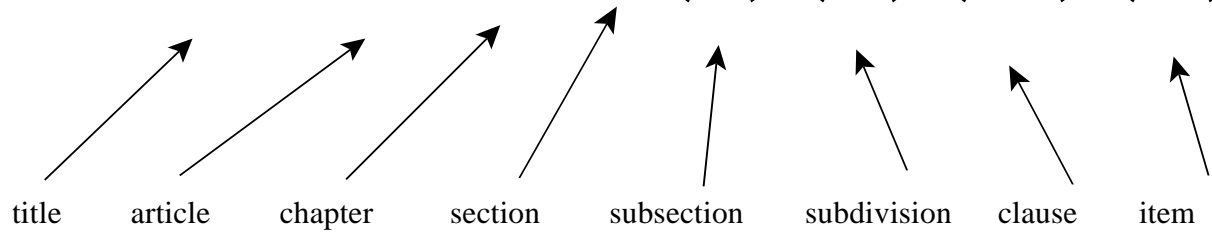
You will need to look in only ONE place--the 1999 edition of the “Indiana Environmental Statutes”. You will no longer need to look at the 1998 edition or the enrolled acts. Noncode provisions are included.

# The Indiana Code (IC) Citation Scheme

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## EXAMPLE:

IC 13-14-9-8(a)(1)(A)(ii)



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TITLE:	TITLE 13. ENVIRONMENT
ARTICLE:	ARTICLE 14. POWERS AND DUTIES OF THE DEPARTMENT OF ENVIRONMENTAL MANAGEMENT AND BOARDS
CHAPTER:	Ch. 9. Rulemaking Procedures
SECTION:	Sec. 8. Waiver of both first and second public comment periods
SUBSECTION:	(a)
SUBDIVISION:	(1)
CLAUSE:	(A)
ITEM:	(ii)